

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|----------------------|---|---------------------|
| ALYSIA BIGGE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | NO. 3:11-0546 |
| |) | Judge Haynes/Bryant |
| EDDIE EANES, et al., |) | |
| |) | |
| Defendants. |) | |

TO: The Honorable William J. Haynes, Jr.

REPORT AND RECOMMENDATION

Pending in this case is defendants' motion to stay (Docket Entry No. 11). As grounds, defendants state that defendant Eanes has been indicted in the Criminal Court of Davidson County, Tennessee, for the felony offense of sexual battery based upon the same body of operative facts giving rise to this civil action alleging sexual harassment and retaliation in the workplace. According to this motion, defendant Eanes's criminal trial is presently set for March 5, 2012. For the reasons set forth in defendants' motion and the accompanying supporting memorandum, defendants state that further proceedings in this case, particularly including discovery, should be stayed pending resolution of the criminal charges against defendant Eanes.

For the reasons stated in defendants' motion and the accompanying memorandum of law, the undersigned Magistrate Judge finds that all proceedings in this case should be **stayed** or alternatively, this case should be administratively closed subject

to being reopened upon motion by any party upon resolution of pending criminal charges against defendant Eanes.

RECOMMENDATION

For the reasons stated in defendants' motion to stay and accompanying memorandum, the undersigned Magistrate Judge **RECOMMENDS** that all proceedings in this case be **STAYED** or, in the alternative, that this case be administratively closed subject to being reopened upon motion by any party upon the resolution of pending criminal charges in the Criminal Court for Davidson County, Tennessee, against defendant Eanes.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 1st day of August 2011.

s/ John S. Bryant

JOHN S. BRYANT

United States Magistrate Judge